

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No. 1:23-_____

ANDREW TATE AND TRISTAN TATE,

Plaintiffs

vs.

EMMA GABBEY, MONA TABARA GABBEY,
WILLIAM GABBEY, ALIONA UNTILA,
AND MATTHIEU MARTELLY

Defendants.

_____ /

NOTICE OF REMOVAL

Defendants EMMA GABBEY, MONA TABARA GABBEY, WILLIAM GABBEY, ALIONA UNTILA, and MATTHIEU MARTELLY, through their attorneys, hereby remove this action from the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida to the United States District Court for the Southern District of Florida, West Palm Beach Division. In support of this Notice, Defendants further state:

BACKGROUND

1. On July 11, 2023, Plaintiffs commenced a civil action in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County Florida Civil Division (“State Court”), captioned Andrew Tate and Tristan Tate v. Emma Gabbey, Mona Tabara Gabbey, William Gabbey, Aliola Untila, and Mathieu Martelly (the “Action”). The matter is assigned Case No. 50-2023-CA-011904-XXXX-MB.

2. In the Action, the Plaintiffs, Andrew and Tristan Tate, allege defamation, defamation per se, commercial defamation, false imprisonment, tortious interference of a business relationship, civil conspiracy, intentional infliction of emotional distress, and negligent infliction of emotional distress—all in connection with an investigation and ongoing prosecution of the Plaintiffs in Romania for sex trafficking and other crimes (“Romanian Investigation”). The Plaintiffs seek \$5,000,000 in damages.

3. This Action appears to be an attempt to retaliate against witnesses for cooperating with the Romanian Investigation. Defendants maintain that they sought to cooperate with the Romanian Investigation and/or preserve the safety of Emma Gabbey and Aliona Untila. Defendants deny that they have taken any action upon which liability can be premised and reserve the right to raise all defenses, immunities, and counterclaims.

PROCEDURAL BACKGROUND

4. Pursuant to 28 U.S.C. § 1446, true and accurate copies of “all process, pleadings, and orders” in the Action are attached as Exhibit A.

5. Defendants have not pled, answered, or otherwise appeared in the Action, except to file a motion for enlargement of time to respond to the pending pleading.¹

6. Defendants Mona and William Gabbey and were served with the Complaint and Amended Complaint on July 17, 2023. As of the time of the filing of this Notice, Defendants Emma Gabbey, Aliona Untila, and Matthieu Martelly have not been served.

7. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), having been filed within 30 days after service of the Complaint.

¹ At the time of the filing of this Notice of Removal, said motion is not appearing on the publicly available docket, and therefore will not be reflected in Exhibit A.

8. Defendants will promptly serve a copy of this Notice on counsel for the Plaintiffs and will file a copy of this Notice, along with a Notice to Plaintiff of Filing of Removal of Civil Action to Federal Court, with the Clerk of State Court, pursuant to 28 U.S.C. § 1446(d). A copy of the Notice to the State Court is attached as Exhibit B.

9. Defendants shall file its disclosures pursuant to Federal Rule of Civil Procedure 7.1(a)(2) separately, once the Clerk has opened the case, but a copy of what will be filed is attached as Exhibit C.

10. Defendants have filed and served a civil coversheet, which is attached as Exhibit D.

11. This Action is properly removable to the United States District Court for the Southern District of Florida, pursuant to 28 U.S.C. § 1446(a) because the State Court, in which this Action was commenced, lies within the Southern District.

JURISDICTION

12. This Action is within the original jurisdiction of this Court under 28 U.S.C. § 1332. Section 1332(a) provides that this Court has “original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between . . . citizens of a State and citizens or subjects of a foreign state.” As explained below, this Action meets these requirements and therefore may be removed to this Court pursuant to 28 U.S.C. § 1441.

13. All Defendants consent to removal.

14. As set forth below, this Action satisfies the requirements of 28 U.S.C. §§ 1332 and 1441 and, therefore, may be removed to this Court.

15. There is complete diversity of citizenship. As alleged in their Amended Complaint, the Plaintiffs Andrew and Tristan Tate reside in Romania.

16. Defendant Emma Gabbey resides in the United States. The Amended Complaint incorrectly alleges that she is a resident of Palm Beach County, Florida. Ms. Gabbey is not a resident of Florida.

17. Defendants Mona and William Gabbey are residents of Palm Beach County, Florida. Defendants assert that Mr. and Mrs. Gabbey have not been properly joined in this action and that the claims against them are meritless.

18. Defendant Aliona Untila does not reside in the United States or Romania.

19. Defendant Matthieu Martelly is a resident of Palm Beach County, Florida. Defendants assert that Mr. Martelly has not been properly joined in this action and that the claims against him are meritless.

20. The amount in controversy here exceeds the \$75,000.00 threshold. The complaint states that Plaintiffs are seeking \$5,000,000.00 in damages from the Defendants.

21. For the foregoing reasons, the Court has subject matter jurisdiction over this Action, and Defendants hereby remove this Action pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

Dated: August 14, 2023.

Respectfully submitted,

NATIONAL CENTER ON SEXUAL EXPLOITATION

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* Application for admission pro hac vice
pending

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by email
on August 14, 2023 on counsel for Plaintiffs in the state court action:

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